

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4031 of 1988

WITH

SPECIAL CIVIL APPLICATIONS No 7772 & 7773 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GUJARAT ENGINEERING RESEARCH INSTITUTE, & ORS.

Versus

SECRETARY, BARODA LABOUR UNION, PWD WORKMEN UNION
& ORS

Appearance:

MR PG DESAI, Govt. Advocate for Petitioners
None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/07/97

ORAL JUDGMENT

#. Heard learned counsel for the petitioners.

#. The petitioners filed these Special Civil

Applications before this Court and challenge has been made to the Award dated 25th February 1988 in Special Civil Application No.4031 of 1987 and to the Award dated 28th October 1987 in Special Civil Applications No.7772 and 7773 of 1988. In these Special Civil Applications, the grievance made by the petitioners is identical though the Awards are of different dates and in different cases. At the request of learned counsel for the petitioners, all the three matters are taken up together and decided by this common order.

#. An industrial dispute has been raised with reference to daily wager employees working in Gujarat Engineering Research Institute, Baroda, and in Roads & Buildings Department (P.W.D.), Panchmahal division, Godhra. In Special Civil Application No.4031 of 1988, the dispute was that the daily wager employees who have rendered more than five years' service may be appointed as workcharge employees and related benefits be given to them. In other two Special Civil Applications, industrial dispute has been raised that daily wagers of Roads and Buildings Department, P.W.D., who have completed 360 days of service should be made permanent and should further be paid backwages as payable to permanent employees with other benefits.

#. The only contention raised by learned counsel for the petitioners is that the Government itself has declared policy as contained in Resolution dated 17th October 1988 for giving benefits to daily wager employees working in various departments of the Government and now under subsequent Resolutions, pensionary benefits are also extended to these workmen. So the benefits to this class of employees as per the Resolution aforesaid can only be given and not as ordered by the Labour Court in the impugned order. I had an occasion to read the Resolution of the Government dated 17th October 1988 and under this Resolution manifold benefits have been given to the daily wagers. As per this Resolution, the daily wagers, who have completed five years' services are to be given regular pay scale, and for this purpose only those daily wagers are qualified who have been appointed on or before the cut off date given in the said Resolution. All the employees for whose benefits the industrial dispute has been raised in the present case, were appointed earlier to the cut off date as provided under the Resolution dated 17th October 1988, and as such they are eligible for pay scale and other benefits provided therein. While dealing with Special Civil Application No.1817 of 1987, the Resolution dated 17th October 1988 has also been considered by me today. I find sufficient justification

in the contention of the learned counsel for the petitioner.

#. In the result, these Special Civil Applications are dismissed. However, it is made clear that the Awards impugned in these Special Civil Application have to be read as if confirming benefits to the daily wagers for whose benefits reference has been made by the Government in accordance with the Resolution of the Government dated 17th October 1988 and subsequent Resolutions made from time to time. Rule discharged in all Special Civil Applications. No order as to costs.

#. It is hereby clarified that in case after the Government Resolution dated 17th October 1988, the employees of the unions in these petitions, have been paid more than for what they are entitled as per the above Resolution, the excess amount shall be recoverable from them on reasonable monthly instalments.

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(sbl)